(2)

(1) C.S. 108/

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR.

WRIT PETITION NO. 1207 OF 2004

PETITIONER : T.S.RAJPUT, S/O SHRI PHOOL SINGH RAJPUT, AGED ABOUT 50 YEARS, ASSISTANT GRADE-III, P.H.E. DIVISION, BAIKUNTHPUR, DISTRICT KOREA, (C.G.)

VERSUS

RESPONDENTS :

1. STATE OF CHHATTISGARH, THROUGH: THE SECRETARY, DEPARTMENT OF HOME AFFAIRS, D.K.S. BHAWAN, RAIPUR, (C.G.).
2. THE SUPERINTENDENT OF POLICE, DISTRICT KOREA, (C.G.)
3. THE STATION HOUSE OFFICER, POLICE STATION BAIKUNTHPUR, DISTRICT KOREA, (C.G.)
4. SHRI P.S. RAO, EXECUTIVE ENGINEER, P.H.E. DIVISION BAIKUNTHPUR, DISTRICT KOREA, (C.G.).
5. SHRI VIJENDRA KUMAR MISHRA, SUB ENGINEER, P.H.E. DIVISION, BAIKUNTHPUR, DISTRICT KOREA, (C.G.).

P. R. No. 1188/04
Presented by Shri Maheshwari
dated 24-11-04

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT IN THE NATURE OF MANDAMUS/CERTIORARI ETC. OR DIRECTION/ORDER IN THE LIKE NATURE ETC.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..WPRN.No.1207..... सन् 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	17-8-2005 Shri Rahul Birtharey, counsel for the petitioner. Shri R.R. Sinha, Panel Lawyer for respondents No.1 to 3. Heard both the counsel. The petitioner has preferred this writ petition under Article 226/227 of the Constitution of India. The main grievance of the petitioner is that the petitioner had withdrawn the amount to the tune of Rs.4,72,338/- by cheque for making payment of salary to the employees of P.H.E. Division Baikunthpur, Manendragarh and Chirmiri. After disbursement of the salary, an amount of Rs.1,18,500/- was left with the petitioner which was still to be disbursed to the employees. As there was no facility of locker, the petitioner kept the balance amount in his house. However, on 3rd May 2003 at about 7:30 pm respondent No.5 came to the house of the petitioner and enquired as to how much amount was left with him. After enquiry, respondent No.5 went back and again came at 11:30pm and told the petitioner that respondent No.4 has sent him to bring Rs.1,00,000/- from the petitioner. Believing the statement the petitioner gave Rs.1,00,000/- to respondent No.5. As respondents No.4 and 5 being senior, the petitioner was not in a position to refuse the same and that is why he had not taken any receipt from respondent No.5. On 4-5-2003, the petitioner went to the house of respondent No.4 for return of money, then he asked the petitioner to fill the form of General Provident Fund for arranging Rs.1,00,000/- and threatened the petitioner not to lodge F.I.R. to the Police Station. However, the petitioner went to the Police Station. Respondent No.3 sent one head constable and one Sepoy with him with the	

(42)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

petitioner to the house of respondent No.4 where respondents No.4 and 5 were sitting together. After seeing the police, respondents No.4 and 5 assured the police and the petitioner that they would make the payment and case should not be registered.

When respondents No.4 and 5 had not returned the amount, the petitioner withdrew Rs.50,000/- from his G.P.F. account and remaining Rs.50,000/- from other employees and paid the salaries of employees of Chirmiri, but the amount was not returned by respondents. Again, the petitioner went to the Police Station for lodging the report on 2-7-2003, but the case was not registered. Therefore, the petitioner has prayed that respondent No.3 be directed to register the case.

The petitioner has an alternative remedy in the criminal law by lodging the complaint under Section 200 of the Cr.P.C. before the competent authority, hence the petitioner can file complaint before the criminal Court of competent jurisdiction.

In view of the above, I do not find any substance in this petition, the same is liable to be dismissed and it is accordingly dismissed.

Consequently, M.(W.)P. No.3029/2005 and I. A. No.6835/2005 also stand disposed of.

Sd/-
L.C. Bhadoo
Judge

Barve